

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHERINE R. DAVIS,

Plaintiff,

vs.

JAMES J. BANTE,

Defendant.

Civil Action No.
07-CV-12270

HON. BERNARD A. FRIEDMAN

ORDER OF DISMISSAL

This matter is presently before the court on defendant's motion to dismiss [docket entry 11]. Magistrate Judge Steven D. Pepe has submitted a report and recommendation ("R&R") in which he recommends that defendant's motion be granted. The magistrate judge also recommends that the court dismiss the complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff has not objected to the magistrate judge's R&R.

The court has reviewed the complaint and the magistrate judge's R&R. The court believes the magistrate judge correctly analyzed all issues and properly concluded that the complaint should be dismissed. Accordingly,

IT IS ORDERED that Magistrate Judge Pepe's Report and Recommendation is accepted and adopted as the findings and conclusions of the court.

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IT IS FURTHER ORDERED that defendant's motion to dismiss is granted. Alternatively, the complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim.

____s/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: September 28, 2007
Detroit, Michigan

I hereby certify that a copy of the foregoing document was served upon counsel of record by electronic and/or first-class mail.

s/Carol Mullins
Case Manager to Chief Judge Friedman